

Commonwealth of Massachusetts

**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

RELOCATION ASSISTANCE

**TO DISPLACED BUSINESSES AND
NONPROFIT ORGANIZATIONS**

UNDER M.G.L. CHAPTER 79A

Bureau of Relocation
100 Cambridge Street, Suite 300
Boston, MA 02114
www.mass.gov/dhcd

Introduction

This Guide describes the relocation payments and assistance provided under Massachusetts General Laws Chapter 79A Relocation Assistance Act (c79A), and the Massachusetts Regulation, 760 CMR 27.00, to eligible businesses and nonprofit organizations (collectively Displacee) displaced as a result of a real estate acquisition by a state, local or private entity (collectively Displacing Entity) using state or local funds for a project. This also includes any such occupant that moves from real property, or moves personal property, or is issued a notice to vacate for purposes of rehabilitation, demolition, or other improvement. If you are notified by a Displacing Entity that you will be displaced, it is important that you **DO NOT MOVE BEFORE** you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

The Bureau of Relocation (BOR), in the Department of Housing and Community Development (DHCD), is the State Agency responsible for ensuring that Displacing Entities provide relocation payments and assistance to eligible persons under c79A. This Guide has been prepared by the BOR

Each Displacee will be contacted and interviewed by the Displacing Entity. During the meeting, the Displacee should inform the Displacing Entity of all individual relocation needs for a replacement site. The Displacing Entity's goal is to minimize the interruption of the business activities during the relocation process, so many meetings with the business owner may be necessary in order to understand the needs and operations of the business.

Displacees are allowed to continue to occupy the acquired property for at least four (4) months after receiving a Notice to Vacate from the Displacing Entity.

If you have additional questions about your relocation and assistance, contact the Bureau of Relocation, at (617) 573-1408.

Please visit the DHCD/Division of Community Services website (click on the Bureau of Relocation link) for additional information: **www.mass.gov/dhcd**.

Summary of Relocation Assistance

Eligible Displacees are entitled to the following advisory and financial assistance:

- **Advisory Services**

These include referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move on your business or nonprofit organization operations.

- **Payment for Moving and Reestablishment Expenses**

Payments for moving, reestablishment and related expenses fall into two general categories:

- Every displaced business/nonprofit organization is eligible to receive a **Payment for Actual Reasonable Moving and Related Expenses**. In addition, if you choose this payment, you may also be eligible for a **Payment for Reestablishment Expenses**, up to \$10,000.
- Certain businesses/nonprofit organizations are eligible to choose a **Fixed Payment** as an alternative to payments for moving and reestablishment expenses.

If you disagree with the Displacing Entity's decision as to the relocation assistance for which you are eligible, you may appeal that decision.

Frequently Asked Questions

How will I know if I am eligible for relocation assistance?

You will receive a written notice explaining your eligibility for relocation assistance by the Displacing Entity. *You should not move before receiving that notice.* If you do, you may not be eligible for relocation assistance.

What about Real and Personal Property?

The Displacing Entity, its appraiser, and relocation consultant will meet with you to develop a Real and Personal Property Report. The Real and Personal Property Report will differentiate between what is being acquired and compensated for in the acquisition of the real estate and what items are considered personal property eligible for a relocation payment under c79A.

What is an Inventory of Personal Property?

The Displacing Entity will assist you in preparing an Inventory of Personal Property. These are the items of personal property which you may choose to move to your new location, substitute at your new location or claim as a property loss and not move to your new location. The inventory of personal property is utilized to develop relocation specifications. The relocation specifications will enable you to solicit bids for the services necessary to accomplish the relocation of your business in a timely and professional manner.

How will the Displacing Entity know how much help I need?

You will be contacted at an early date and personally interviewed about your needs and preferences for a replacement location and other assistance. The interviewer will ask about such matters as your space requirements and other needs of your business. It is to your advantage to provide the information so that the Displacing Entity can assist you in moving with a minimum of hardship. The information you give will be kept confidential.

How soon will I have to move?

Every reasonable effort will be made to provide you with sufficient time to find and reestablish your business in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without a minimum of four (4) months advance written notice. It is important, however, that you keep in close contact with the Displacing Entity so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

How will I find a replacement location?

The Displacing Entity will provide you with current information on available replacement locations that meet your needs. The Displacing Entity may also provide you

with names of real estate agents and brokers who can assist you in finding the type of replacement location you need.

While the Displacing Entity will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want a facility that provides sufficient space for your planned activities. You will also want to be assured that there are no zoning or other requirements that will unduly restrict your planned operations.

The Displacing Entity will explain the kinds of eligible moving and reestablishment costs to enable you to carry out your move in the most advantageous manner. Ineligible costs will also be explained to avoid misunderstandings, mistakes and delays.

Can I get reimbursement for costs resulting from my search for a replacement location?

Yes. Generally, this payment may not exceed \$2,500. It covers:

- Transportation expenses.
- Time spent searching for a replacement location, based on reasonable salary or earnings.
- Reasonable fees paid to a real estate agent or broker to find a replacement location (not fees related to the purchase of the site).
- Meals and lodging away from home.
- Time spent in obtaining permits and attending hearings.
- Time spent negotiating the purchase of the replacement site.

What other assistance will be available to help me?

In addition to help in finding a suitable replacement location, the Displacing Entity will provide other assistance, as necessary. This includes information on Federal, State and local programs that may be of help in reestablishing a business. For example, the U.S. (federal) Small Business Administration (SBA) provides managerial and technical assistance to some businesses.

I have a replacement location and want to move, what should I do?

Before you make any arrangements to move, notify the Displacing Entity in writing of your intention to move. This should be done at least 30 days before the date you begin your move. The Displacing Entity will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, their requirements, and how to obtain payments.

I plan to discontinue my business rather than move. What should I do?

If you have decided to discontinue your business rather than reestablish, you may still be eligible to receive a relocation payment. Contact the Displacing Entity and discuss your decision to discontinue your business. You will be informed of any payments for which you may be eligible and the requirements that must be met to obtain payment.

What is a Payment for Actual Reasonable Moving and Related Expenses?

A claim for Payment of Actual Reasonable Moving and Related Expenses include the reasonable and necessary costs of:

- Transportation of personal property from your present location to the replacement location. Generally, transportation costs are limited to a distance of 50 miles. If you plan to move beyond 50 miles, discuss your planned move with the Displacing Entity.
- The packing, crating, uncrating, and unpacking of your personal property.
- Disconnecting, dismantling, removing, reassembling and installing relocated and substitute personal property, machinery, equipment and other personal property. This includes connection to utilities available within the building; it also includes modifications to the personal property including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
- Storage of personal property for a reasonable period not to exceed 12 months, if required, at a location not owned by the Displacee.
- Insurance for the replacement value of the personal property in connection with the move and necessary storage.
- Any license, permit or certification required of the Displacee organization at the replacement location. However the cost must be reasonable and necessary for reestablishment at the replacement location and the payment may be based on the remaining useful life of the existing license, permit, or certification.
- Professional services the Displacing Entity determines reasonable and necessary for:
 - planning the move of the personal property,
 - moving the personal property, or
 - installing relocated or “substitute” personal property at the replacement location.
- Relettering signs and replacing stationery on hand at the time of the displacement and made obsolete as a result of the move.
- Actual direct loss of tangible personal property. This payment provides compensation for property that is neither moved nor promptly replaced with a “substitute” item at the replacement location. Payment is limited to the lesser of:
 1. The estimated cost of moving and reinstalling the personal property;
Or
 2. The market value of the property for its continued use at the old location, less any proceeds from its sale. To be eligible, you must make a good faith effort to sell the property, unless the Displacing Entity determines that such effort is not necessary. Payment for the loss of goods held for sale shall not exceed the cost of the goods to the Displacee.

3. If an item of personal property is not installed or is in storage at its current location, the cost of reinstalled personal property shall not be included in the estimated cost to move it.
- Purchase and installation of “substitute” personal property. This payment is made when an item of personal property is not moved, but is promptly replaced with a substitute item that performs a comparable function at the replacement site. Payment will be limited to the lesser of:
 1. The estimated cost of moving and reinstalling the item; or
 2. The actual cost of the substitute item delivered and installed at the replacement location, less any proceeds from the sale or trade-in of the replaced item. It is important that you discuss your plans with the Displacing Entity before you proceed.
 - Connection to the available nearby utilities from the public street to the improvements at the replacement site.
 - The professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the Displacee’s business operations.
 - Impact fees or one-time assessments for anticipated heavy utility usage.
 - The Displacing Entity will explain all eligible moving and related costs, as well as those which are not eligible. You must be able to account for all costs that you incur. Keep records of all your contracts, invoices, receipts and cancelled checks. The Displacing Entity will inform you of the documentation needed to support your claim.

Can I move myself?

You may minimize the amount of documentation needed to support your claim, if you elect to self-move your personal property. Payment for a self-move is based on the amount of an acceptable low bid or estimate obtained by the Displacing Entity. If you self-move, you may move your personal property using your own employees and equipment or a commercial mover. If you and the Displacing Entity cannot agree on an acceptable amount to cover the cost of the “self-move,” you will have to submit full documentation in support of your claim.

You may elect to pay your moving costs yourself and be reimbursed by the Displacing Entity or, if you prefer, you may have the Displacing Entity pay the mover directly. In either case, select your mover with care. The Displacing Entity can help you select a reliable and reputable mover. Selection of a mover and/or other vendors is done solely at your discretion. Also, keep the Displacing Entity informed about your moving plans. You must provide the Displacing Entity reasonable advance written notice of the approximate date of the start of your move or disposition of your personal property, and a list of the items to be moved, unless the Displacing Entity agrees to waive this requirement. You must also permit the Displacing Entity to make reasonable and timely inspections of the personal property at the old and new locations and to monitor the move.

What is a Payment for Reestablishment Expenses?

If you choose to receive a payment for your actual moving and related expenses, you may also be eligible to receive Payment for Reestablishment Expenses, not to exceed \$10,000. Such expenses include the reasonable and necessary cost of:

- Repairs or improvements to the replacement of real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make a replacement structure suitable for conducting the business.
- Construction and installation costs for exterior signs to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- Advertisement of the replacement location.
- Professional services and incidental expenses in connection with the purchase or lease of a replacement property.
- Estimated increased costs of operation during the first two (2) years at the replacement site of such items as:
 1. Lease or rental charges,
 2. Personal or real property taxes,
 3. Insurance premiums, and
 4. Utility charges, excluding impacts fees.

What is a Fixed Payment (Alternative Allowance)?

Certain Displacees are eligible to obtain a Fixed Payment (Alternative Allowance). If you receive this payment, you will not receive a Payment for Actual Reasonable Moving and Related Expenses or a Payment for Reestablishment Expenses. The Fixed Payment to a business is based on the average annual net earnings of the business. The Fixed Payment to a nonprofit organization is based on average annual expenses and revenue. A Fixed Payment will not be less than \$1,000, or more than \$20,000.

To qualify for a Fixed Payment a displaced business must:

1. Either discontinue operations or be unable to relocate without a substantial loss of existing patronage (measured in terms of clientele or net earnings at the discretion of the Displacing Entity),
2. Meet certain minimum income requirements, and
3. Not be part of a commercial enterprise having more than three other entities under the same ownership, engaged in the same or similar business activities that are not being displaced. (Also, certain rental businesses are excluded).

The Displacing Entity will inform you as to your eligibility for this payment and the documentation you must submit to support your claim.

Remember, when you elect to take this payment you are not entitled to reimbursement for any other moving expenses.

Must I file a claim for a relocation payment?

Yes, you must file a claim for a relocation payment. The Displacing Entity will, however, provide you with the required claim forms, help you to complete them, and explain the type of documentation that you must submit in order to receive the relocation payment(s).

If you must pay any relocation expenses before you move (e.g., a security deposit to lease a new location), discuss your needs with the Displacing Entity. You should be able to obtain an advance payment.

If you are a tenant, you must file your claim within 18 months after the date you move. If you are displaced from property that you own, you must file within 18 months after the later of: the date you move, or the date you receive the final acquisition payment. However, the sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Displacing Entity to extend this period.

You will be paid promptly after you file an acceptable claim. If there are any questions regarding your right to a relocation payment or the amount of the payment, you will be notified in writing of the problem and the action you should take to resolve the matter.

Will I have to pay rent to the Displacing Entity before I Move?

The Displacing Entity may establish a monthly use and occupancy charge for the continued short-term use of your current location.

If I don't receive the required assistance, can I appeal?

Yes. If you disagree with the Displacing Entity's decision regarding your right to a relocation payment or the amount of a payment, you may appeal the decision to the Displacing Entity.

The Displacing Entity will inform you of its appeal process. You will have a minimum of 60 days to file your appeal with the Displacing Entity after you receive written notification from the Displacing Entity of its determination regarding your claim. Your appeal must be in writing.

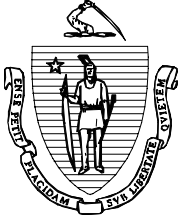
If you are not satisfied with the Displacing Entity's final decision on your appeal, you may request an administrative review of that decision by writing to:

Bureau of Relocation
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
Attention: Cindy Zabriskie, Director

If you are not satisfied with the final administrative decision on your appeal, you may seek review of the matter by the Superior Court.

APPENDIX

- 1. Advisory Bulletin: Personal Property Inventories for Non-Residential Displacement**
- 2. Advisory Bulletin: Self-Moves of Displaced Businesses**
- 3. Advisory Bulletins: Move Planning Services**
- 4. Form: Move Specification**
- 5. Form: Post Move Verification**



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DEPARTMENT OF HOUSING &
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RELOCATION ASSISTANCE ADVISORY BULLETIN

SUBJECT: Personal Property Inventories for Non-Residential Displacement
DATE: Effective August 31, 1998
CONTACT: Cindy Zabriskie, Director, Bureau of Relocation
Telephone: (617) 573-1408 ♦ E-Mail: cindy.zabriskie@state.ma.us

1. Background

760 CMR 27.05(3) of the Massachusetts Relocation Assistance Regulations requires owners of displaced businesses to inventory their personal property and submit such an inventory to the agency requiring them to relocate. The purpose of this advisory bulletin is to describe the process to be followed in order that the object of this requirement is accomplished.

2. General

Preparation of an accurate inventory of personal property is a critical component to the process of applying for relocation payments in non-residential displacement cases. As set forth under MGL Chapter 79A Section 7, one of the primary benefits to which displaced businesses are entitled is payment for actual and reasonable expenses in moving personal property. In order for a displacing agency to determine these expenses, as claimed by the displaced business, it is important that a mutually agreed personal property inventory be obtained in advance of the preparation of move specifications and commencement of both the move and any associated contractual work necessary for the installation of moved personal property. Preparing a personal property inventory is not intended to be an overly burdensome or time-consuming activity. However, since the certified personal property inventory is the primary document used to determine items that are to be included as part of the relocation claim, owners of displaced businesses should seriously consider this requirement and work closely with the agency regarding requirements for submitting and certifying personal property inventories.

3. Responsibility for Preparing Personal Property Inventory

As described in 760 CMR 27.05(3), the owner of a displaced business is responsible for preparing and presenting to the relocation advisory agency a personal property inventory. Although it is expressly the responsibility of the displaced business to prepare and submit a personal property inventory, the relocation advisory agency may, at the request of the

displaced business, provide assistance in compiling the inventory. In such cases, however, preparation of the inventory must be done cooperatively between the business and the agency. In all cases, the agency must be diligent in advising businesses of this requirement. It is strongly recommended that the agency notify businesses of this requirement in writing upon issuance of the advance notice for moving. Failure by the agency to suitably advise a business of this requirement will negate the requirement set forth in 760 CMR 27.05(3).

4. Timing

A personal property inventory may be prepared any time after the displacing agency provides the business occupant to be displaced with an advance notice for moving (as required by 760 CMR 27.04(l)(c)), but well enough in advance of the anticipated commencement of the move so that move specifications may be prepared that are based upon a certified personal property inventory. At the time the advance notice for moving is delivered, the displacing agency should discuss with the business owner the requirement that they prepare a personal property inventory, provide them with necessary forms in order for them to prepare their inventory, and inform them of the agency's requirements for submitting the inventory for certification.

5. Certification of Personal Property Inventories

After a personal property inventory is submitted by the business to the agency, it is the obligation of the agency to expeditiously certify the inventory. In order to certify the personal property inventory, the agency must review the following:

- (a) The personal property inventory is in a format acceptable to the agency.
- (b) No items of personal property are listed that were actually purchased by the agency as part of the real estate. (To do this, the agency should check the inventory list against either real/personal property reports that may have been prepared or real estate appraisals).
- (c) The items listed on the inventory are actually at the displacement location and the description of the items is accurate.
- (d) Stock held for trade (or other items which may fluctuate prior to the move) is identified separately and will be recertified, if necessary, immediately prior to the move.

By signing the personal property inventory form, the agency project manager (or his/her designee) certifies that the personal property inventory is complete, and may be used to document subsequent portions of the relocation claim.

6. Failure to Submit an Inventory

If a business occupant to be displaced fails to submit an inventory after being advised by the agency and refuses any assistance offered by the agency to prepare a personal property inventory, the displacing agency must provide written notice to the business that such action may render the agency as unable to process any claim for payment of relocation expenses. If a displacing agency receives a relocation claim and there is no accompanying certified personal property inventory, the displacing agency may, at its discretion and if it determines

that the absence of the inventory renders them unable to make a determination on the claim, deny the claim on the basis that proper application for payment of relocation expenses was not made. In such cases where a claim is denied on such a basis, the agency must document its efforts to advise the occupant of their obligation to prepare an inventory, demonstrate that it was available to assist the business to prepare such an inventory, and provide evidence that it provided written notice described in this paragraph (Note exceptions described in paragraph 8).

7. Contents of Inventories

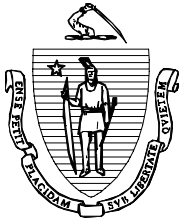
Personal property inventories must include the following information:

- (a) Name and address of the business;
- (b) Replacement location (if known):
- (c) Date inventory was prepared;
- (d) Signature of the preparer;
- (e) A brief description of the item of personal property;
- (f) An item number to correspond to each item;
- (g) General location of the item;
- (h) Identification of the category of contractual work necessary to disconnect or reconnect the item;
- (i) Identify if the item will be substituted with a replacement item or liquidated instead of moved;
- (j) Identify items that fluctuate considerably in quantity (i.e., stock held for sale, etc.)

Attached to this Advisory Bulletin is a sample personal property inventory form. The agency should inform the business of the level of detail it requires in order for the inventory to be considered sufficient.

8. Exceptions

Displaced businesses seeking payment in lieu of moving as per 49 CFR 24.305 are not required to prepare or provide personal property inventories. In addition, under exigent circumstances, the displacing agency may determine that a displaced business is not required to provide a personal property inventory.



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RELOCATION ASSISTANCE ADVISORY BULLETIN

SUBJECT: Self-Moves of Displaced Businesses
DATE: Effective July 1, 1998
CONTACT: Cindy Zabriskie, Director, Bureau of Relocation
Telephone: (617) 573-1408 ** E-Mail: cindy.zabriskie@state.ma.us

1. Background

The Massachusetts Relocation Assistance Regulations, 760 CMR 27.00, promulgated by the Massachusetts Department of Housing and Community Development pursuant to MGL Chapter 79A, have recently been revised. 760 CMR 27.05(5) of these regulations require the Bureau of Relocation to issue guidelines establishing a process for self-moves of displaced businesses. This addresses the same subject set forth in 760 CMR 27.09(17) of the former state relocation assistance regulations and 49 CFR 24.303(c) of the corresponding current federal regulations. The purpose of this Advisory Bulletin is to establish official guidelines regarding self-moves of displaced businesses.

2. General

The term "self-move", as used in matters pertaining to relocation assistance, describes a generally accepted procedure for determining reasonable move expenses to be incurred by displaced businesses. Also referred to as "negotiated self-moves without documentation", the self-move process allows displaced businesses and displacing agencies to determine the cost of the move, including disconnection and reconnection expenses, in advance of the commencement of the move.

Self-move agreements enable displaced businesses and displacing agencies to plan and execute timely and successful commercial moves because the primary relocation expenses are pre-determined and mutually agreeable. Because they are negotiated settlements, self-moves require a considerable amount of advanced preparation and cooperation between the displacing agency and the displaced business.

3. Applicability

- a. Self-moves may be applied only to displaced businesses that will file relocation

claims for actual and reasonable move expenses. Self-moves are not applicable to businesses seeking their entire relocation payment under the "actual direct loss of property" provision (as described in 49 CFR 24.303(a)(10)) or the "fixed payments for moving" provision (as described in 49 CFR 24.305).

- b. Self-move agreements may be made for relocation expenses described in 49 CFR 24.303(a)(1), (2) and (3). Specifically, these cover the costs for transporting personal property, packing and unpacking personal property, and disconnection and reconnection of personal property, respectively. All other move costs, including substitute equipment (49 CFR 24.303(a)(12)), may not be included as part of a self-move agreement.

4. Notification by the Displaced Business

At the time notice of eligibility of relocation assistance is sent to a displaced business as provided under 760 CMR 27.04(1)(b), an explanation of self-moves should be provided to the business. Displaced businesses must notify the displacing agency in writing if they intend to enter into self-move agreements. The displacing agency may refuse to consider notifications only in cases where the notification is provided after the displaced business has commenced its move, including contractual work necessary for the reinstallation of equipment to be moved.

5. Documentation Needed for Self-Moves

If a self-move agreement has been executed, it is not necessary for displaced businesses to document the actual expenses incurred for relocation expenses provided under 49 CFR 24.303(a)(1), (2), and (3). However, the following documentation is needed in order to effect a self-move:

- a. A certified personal property inventory.
- b. Move specifications based upon the actual replacement location.
- c. Estimates from movers and contractors based upon approved move specifications.
- d. Verification of estimates by the displacing agency.
- e. A signed self-move agreement.
- f. Claim form for actual and reasonable moving expenses.

6. Procedures

- a. Personal Property Inventory
 - (i) An inventory of personal property to be included as part of the self-move agreement should be obtained pursuant to the personal property inventory advisory bulletin.

- (ii) The inventory must be certified as true and accurate by both the displaced business and the displacing agency.
- (iii) It is the responsibility of the displacing agency to cross check the personal property inventory against the real/personal property report to verify that items included on the personal property inventory were not purchased by the displacing agency as part of the real estate acquisition prior to certifying the personal property inventory.

b. Move Specifications

- (i) Move specifications must be obtained in the manner proscribed in the advisory bulletin covering move specifications.
- (ii) In cases of self-move agreements, only those items included on the personal property inventory that will be considered as relocation expenses under 49 CFR 24.303(a)(1), (2), and (3) are to be included as part of the move specifications. Any items of personal property that are to be substituted or liquidated may not be included as part of the move specifications for self-move agreements.
- (iii) Move specifications must be based upon the actual replacement location to which the displaced business intends to move. Move specifications, and any move estimates based upon the move specifications, are not considered effective unless they are first approved by the displacing agency.

c. Move Estimates

- (i) Move estimates may be obtained by the displaced business only after the displacing agency has reviewed and approved the move specifications.
- (ii) In cases of self-moves, the displacing agency should instruct the displaced business to obtain move estimates from at least two bona fide commercial movers selected by the displaced business. The displaced business must provide these commercial movers with the approved move specifications covering move services. The estimates supplied by commercial movers must be based upon the approved move specification covering expenses described in 49 CFR 24.303(a)(1) and (2).
- (iii) If the displaced business is seeking to include contractual costs associated with disconnection and reconnection expenses set forth in 49 CFR 24.303(a)(3) as part of the self-move, then move estimates for contractual expenses should also be obtained. In such cases, the displaced business must request estimates from either two bona fide general contractors or tradesmen capable of performing the required work, as set forth in the move specifications, for disconnection and reconnection expenses. Such estimates must be based upon the scope of work described in the move specification approved by the displacing agency.

- (iv) Selection of movers, general contractors and tradesmen to provide estimates is the sole responsibility of the displaced business. The displacing agency may not recommend or refer any movers, general contractors, or tradesmen to the displaced business for such purposes.
- (v) The displaced business must submit all move estimates to the displacing agency no later than 30 days before the start of the move or the commencement of any disconnection/reconnection contractual work covered by the move specifications.

d. Verification of Estimates

- (i) It is the obligation of the displacing agency to review and verify the estimates obtained by the displaced business in a timely manner.
- (ii) In undertaking its review of estimates, the displacing agency must check that the estimates are based upon the scope of work outlined in the approved move specifications, all parties providing estimates are deemed capable to provide such estimates, and the costs included in the estimates are reasonable.
- (iii) When verifying estimates, the displacing agency should employ independent experts in commercial moves and contractual cost estimating who have no interest in performing the services sought by the displaced business.
- (iv) Verification of estimates must describe any instance where the estimates obtained by the displaced business appear to be unreasonable, inflated or inconsistent with the scope of work set forth in the move specifications. In such cases, the commercial movers and/or contractual cost estimators must submit to the displacing agency their opinion of the reasonable cost to perform the services described in the move specifications.

e. Negotiating and Executing a Self-Move Agreement

- (i) After the displacing agency has completed its verification of move estimates, it may execute a self-move agreement with the displaced business.
- (ii) A sample self-move agreement is attached to this advisory bulletin. In no instance may the total amount of the self-move agreement exceed the lowest responsible estimate(s) obtained by the displaced business.
- (iii) Move estimates included on the self-move agreement must not include contractual overhead and profit. If the estimates do not include a separate amount for overhead and profit, then the displacing agency shall deduct 15% of the total estimate for overhead and profit from any contractual estimates obtained by the displaced business.
- (iv) At a minimum, the self-move agreement must include the names of the displaced

business and displacing agency, reference the personal property inventory, move specifications, and estimates, and a total amount agreed to by the displaced business and the displacing agency for the total amount to be paid by the displacing agency to the displaced business for relocation expenses described in 49 CFR 24.303(a)(1), (2), and (3).

- (v) The self-move agreement must also include conditions, terms or limitations on the payment as deemed reasonable by the displacing agency and agreeable by the displaced business.
- (vi) In the event that during the verification of estimates as described in paragraph 6(d) of this bulletin there is a variance between the amount of the lowest estimates obtained by the displaced business and the opinion of the cost estimators employed by the displacing agency, the displaced business and displacing agency should conduct a meeting with appropriate estimators to resolve any disputes and determine a mutually agreeable cost that meets the requirements of the move specifications.
- (vii) If a self-move agreement cannot be executed, refer to paragraph 8 of this bulletin.

f. Post-Move Verification

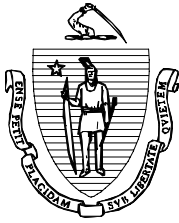
Upon completion of the displaced business' move and contractual work necessary for the reinstallation of relocated equipment, the displacing agency must verify that all work was completed pursuant to the move specifications. In the event that the work was not performed as described in the move specifications, then the displacing agency may either reduce the amount included in the self-move agreement to reflect the work not performed or require the displaced business to perform the work as described in the move specifications.

7. Submission of Claim Forms

Displaced businesses that have entered into self-move agreements with displacing agencies must file appropriate claim forms before they are paid for relocation expenses, including those covered in the self-move agreement. The self-move agreement does not release the displaced business from its obligation to file a relocation claim.

8. Alternatives to Self-Moves

In the event that the displaced business and the displacing agency cannot execute a self-move agreement, then any expenses provided under 49 CFR 24.303(a)(1), (2) and (3) and claimed by the displaced business must be documented for the actual costs incurred.



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

RELOCATION ASSISTANCE ADVISORY BULLETIN

SUBJECT: Move Planning Services
DATE: Effective July 1, 1998
CONTACT: Cindy Zabriskie, Director, Bureau of Relocation
Telephone: (617) 573-1408 ★★ E-Mail: cindy.zabriskie@state.ma.us

1. Background

The revised Massachusetts Relocation Assistance Regulations, 760 CMR 27.00, refer to the federal regulations, 49 CFR 24.00, on matters pertaining to relocation expenses deemed eligible for reimbursement to displaced business owners by displacing agencies. The purpose of this bulletin is to provide guidance with respect to the benefit outlined in 49 CFR 24.303(a)(8) which entitles displaced businesses to be paid for reasonable expenses for professional services. This is effective for any project or activity covered by Massachusetts General Laws, Chapter 79A.

2. General

49 CFR 24.303(a)(8) states the following:

Any business ... which qualifies as a displaced person is entitled to payment for such actual moving and related expenses, as the Agency determines to be reasonable and necessary, including expenses for: "Professional services necessary for (i) Planning the move of personal property; (ii) Moving the personal property, and; (3) Installing the relocated personal property at the replacement location."

3. Situations Where Move Planning Services are Necessary

A displaced business may claim expenses incurred to plan their move only in cases where the displacing agency makes a determination that the total move cost exceeds \$100,000. For the purposes of this bulletin, "move cost" means the total estimated cost to disconnect, move and reconnect personal property, exclusive of any and all other benefits provided to displaced businesses in 49 CFR 24303(a) and 49 CFR 24.304.

4. Eligible Planning Services

The following is a listing of services considered as move planning services eligible for reimbursement as a relocation expense:

- a. Design services, as so defined by Massachusetts General Laws, Chapter 7, Section 38A1/2(b), if such design services relate specifically to the interior space planning necessary for the disconnection, dismantling, move, reassembling and reconnection of moved or substituted personal property. Such services may not include design services for work the displacing agency determines will enhance the value of the replacement location for general purposes or increase the structural capacity of the replacement location beyond that which is necessary for the installation of moved or substituted personal property.
- b. Legal services that are determined by the displacing agency to be necessary in order for the displaced business to move to a replacement location. Such legal services, however, exclude expenses relative to the purchase, lease and/or rehabilitation of real estate, representing the displaced business before the displacing agency and preparation of relocation claims or documentation necessary to support a relocation claim.
- c. Services not customarily provided by commercial movers to prepare for the move. In such cases, services must be billed to the displaced business by a bona fide commercial mover on the commercial mover's bills of lading. The service may be provided only by the commercial mover who actually performs the move for the displaced business. Services that are customarily provided to displaced businesses by commercial movers are considered ineligible for reimbursement as move planning expenses, as set forth in paragraph 5 (a) of this bulletin.

5. Ineligible Move Planning Services

The following is a partial listing of services considered ineligible for consideration as a move planning expense:

- a. Services customarily provided by commercial movers to prepare for the move, such as tagging property to be moved, dissemination of move planning kits for employees and monitoring the move.
- b. Review of classification of property as real property or personal property.
- c. Preparation of personal property inventory.
- d. Solicitation or review of bids or estimates for work related to the move.
- e. Preparation of documentation necessary for submission of a relocation claim, including those described in 49 CFR 24.303(a)(II) and (12).
- f. Expenses associated with the pre-qualification of contractors.
- g. Management or oversight of contractual work.
- h. Preparation of personal property appraisals.

- i. Managing the disposal of abandoned personal property.
- j. Administrative costs of submitting insurance claims associated with the move.
- k. Other expenses determined to be unreasonable or unnecessary by the displacing agency or the Bureau of Relocation.

6. Limitations and Process

- a. Move planning expenses claimed by a displaced business must be included on the appropriate relocation claim form.
- b. Move planning expenses may not be included as part of a "negotiated self-move".
- c. Move planning expenses may be paid only upon submission of a signed invoice from the provider of planning expenses and copies of canceled checks paid by the displaced business to the move planning service provider.
- d. Advance payments may not be paid for move planning expenses other than design services covered in paragraph 4(a) of this bulletin.
- e. At its discretion, the displacing agency may seek to determine if the move planning expense claimed is reasonable. In order to do this, the displacing agency may request an impartial and qualified professional to review the amount claimed. If, upon review, the agency determines that the expenses claimed are not reasonable, then the agency may approve payment only for the amount it deems to be reasonable.
- f. It is not necessary for the displaced business to solicit bids for move planning services, however the displaced business must use generally accepted business practice in selecting firms or individuals it uses to provide move planning services. The displacing agency may deny payment for move planning services if it determines such services were procured in an inappropriate or questionable manner.

All move planning expenses must be approved by the Bureau of Relocation before any payment for planning expenses is made by the displacing agency. In seeking this approval, the displacing agency must include copies of documentation to support the expenses claimed, a clear description of services rendered, and the amount recommended for payment by the displacing agency.

BUSINESS SELF-MOVE AGREEMENT

It is hereby understood and agreed by: _____, herein "Claimant", and _____, herein "Agency", that the amount to be paid to the Claimant by the Agency for the relocation of all business fixtures, equipment, stock, inventory, and other items of personalty as provided by 49 CFR 24.303(a)(1), (2) and (3) and itemized on the "Personal Property Inventory" not acquired as part of the real property at the displacement location at: _____ and based upon the Move Specifications prepared by the Claimant is:

\$ _____.

The terms of this agreement are as follows:

1. No claim for payment, except for advance payments, shall be honored by the agency until:
 - (a) The Claimant has completed the relocation of all items listed in the "Personal Property Inventory" and relocated as required by the "Move Specifications."
 - (b) The Claimant has certified that items listed in the "Personal Property Inventory" were actually relocated to the replacement site "Post-Move Verification."
 - (c) A representative of the Agency has personally inspected the displacement and replacement locations to verify completion of the move "Post-Move Verification."
 - (d) The displaced business has secured estimates pursuant to the self-move advisory issued by the DHCD Bureau of Relocation.
2. If upon inspection by a representative of the Agency any portion(s) of the items on the "Personal Property Inventory" were not relocated to the replacement site in the manner prescribed in the Move Specifications, for any reason whatsoever, an appropriate reduction in the agreed amount shall be made by the Agency.
3. The Relocation Claim Form for payment shall be submitted within eighteen (18) months of the date of moving from the acquired premises.

Neither the Agency nor any officer or employee thereof shall be responsible for any damage or liability occurring by reasons of anything done or omitted to be done by Claimant under or

in connection with the agreement. It is also understood and agreed that the Claimant shall fully indemnify and hold the Agency harmless for any liability imposed by injury or damage to property occurring by reasons of anything done or omitted by Claimant in connection with this agreement.

In the event the actual cost of the move exceeds the amount agreed upon above only those additional costs which can be shown to have been actually required in order to complete the move will, within certain limitations, be reimbursed. In this event, the actual cost of the entire move must be itemized and documented in support of the claim. All moving expense records are subject to review and audit by a representative of the Agency as well as the Bureau of Relocation. The total cost, under any circumstance, shall not exceed the amount of the lowest bid or estimate.

Unless otherwise provided, this agreement does not include expenses for searching for a replacement site, substitute equipment, actual direct loss of property, or re-establishment expenses. The cost for these items will be included, as deemed appropriate, by the Claimant upon filing of their Relocation Claim. Costs for these items must be documented as required by 760 CMR 27.00.

_____	_____
Claimant	Date
Approved: _____	
Agency	

Title	

PERSONAL PROPERTY INVENTORY

PAGE ____ OF ____

Date: _____

Prepared By: _____

For: _____
(Name of Business) (Displacement Location)

Replacement Address (if known)

CERTIFICATION

I hereby certify that this personal property inventory is in a format acceptable to the displacing agency and represents an accurate description of the items located at the displacement location identified above. I further certify that the displacing agency did not purchase any items listed on this inventory as part of its acquisition of real property at the above stated displacement location.

Signature

Title

SYMBOL LEGEND

A = Air	P/P = Pads/Pits
C = Carpentry	P/L = Property Loss
D = Duct Work/Exhaust	P/U = Pack/Unpack
E = Electrical	R = Rigging
G = Gas	S = Steel
L/M = Lag, Level, Machinist	Sub = Substitution
P = Plumbing	T = Telecommunications

LOCATION: _____
Floor / Area / Basement

Item No.	Quantity	Symbol	Item

PERSONAL PROPERTY INVENTORY

PAGE____OF ____

LOCATION: _____

Floor / Area / Basement

[illegible]

MOVE SPECIFICATION

Work Category: _____

Location: _____

[illegible]

POST-MOVE VERIFICATION

All items as listed on the “Personal Property Inventory”, a copy of which is attached, have been relocated from the subject property to the replacement location as indicated in the relocation specifications.

CLAIMANT

DATE

I have personally inspected the subject property and verified that all items of personal property listed in the “Move Specification” have been removed. I also inspected the replacement property to verify that the items were relocated thereto, as indicated in the “Move Specifications”.

AGENCY REPRESENTATIVE

DATE

RELOCATION PROCESS FOR BUSINESSES AND NONPROFIT ORGANIZATIONS

